

MARTY C. WEST,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	No. 1:05-CV-310
MAYTAG CORPORATION, and	)	Chief Judge Curtis L. Collier
MAYTAG CORPORATION, doing	)	
business as MAYTAG CLEVELAND	)	
COOKING PRODUCTS	)	
	)	
	)	
Defendants.	)	
	)	

Before the Court is Plaintiff Marty C. West and Defendants Maytag Corporation and Maytag Corporation doing business as Maytag Cleveland Cooking Products' joint motion to extend the remaining deadlines in this case, including the trial date (Court File No. 13). As cause, counsel for both parties states Plaintiff was recently ordered to serve 100 days in the Monroe County Jail for felony possession of methamphetamine with the intent for resale and began serving his sentence on January 30, 2007. According to counsel, this caused an interruption in previously scheduled depositions.

The Court's practice is to hold attorneys to the dates selected during the scheduling conference, and as such, the Court will not change dates unless good cause is shown.<sup>1</sup> Here, Plaintiff's incarceration was an unforeseen incident that could not have been predicted by counsel

<sup>1</sup>The Court notes the scheduling conference was held by United States District Judge Harry Mattice, Jr.

during the scheduling conference. Since this incident interrupted counsel's ability to complete discovery within the time allotted by the scheduling order, the Court finds there is good cause for a continuance. Therefore, the joint motion to continue is **GRANTED** (Court File No. 13).

The joint motion was filed on February 5, 2007. Thus, the Court will only extend those deadlines that had not passed as of February 5, 2007. The scheduling order is amended as follows:

**All Discovery:** All discovery, including the taking of depositions "for evidence," shall be completed by **June 11, 2007**.

**Pretrial Disclosures:** On or before **July 11, 2007** the parties shall make the pretrial disclosures specified in Fed. R. Civ. P. 26(a)(3)(B) and (C) (i.e., deposition testimony and exhibit list). All deposition testimony to be offered into evidence must be disclosed to all other parties on or before this date.

**Courtroom Technology:** On or before **September 13, 2007** the parties shall disclose, to one another and to the Court, technology they intend to use in the courtroom during the trial and how they intend to use it (e.g., display equipment; data storage, retrieval, or presentation devices). This disclosure shall list (1) equipment they intend to bring into the courtroom to use, and (2) equipment supplied by the Court which the parties intend to use.

Further, the parties shall disclose to one another the content of their electronic or digital materials by **September 20, 2007** and shall confirm the compatibility/viability of their planned use of technology with the Court's equipment by **September 27, 2007**. General information on equipment supplied by the Court is available on the Eastern District of Tennessee website ([www.tned.uscourts.gov](http://www.tned.uscourts.gov)). Specific questions about Court-supplied equipment should be directed to the presiding judge's courtroom deputy (directory available on website).

**Dispositive Motions:** All dispositive motions under Fed. R. Civ. P. 12 and all motions for

summary judgment pursuant to Fed. R. Civ. P. 56 shall be filed as soon as possible, but no later than **June 25, 2007**. The failure to timely file such motions will be grounds to summarily deny them.

**Motions in Limine:** Any motions in limine must be filed no later than **September 13, 2007**.

**Special Requests to Instruct for Jury Trial:** Pursuant to Local Rule 51.1, requests for jury instructions shall be submitted to the Court no later than **September 27, 2007** and shall be supported by citations of authority pursuant to Local Rule 7.4. A copy of the proposed jury instructions should be sent as an electronic mail attachment in WordPerfect or WordPerfect compatible format to [collier\\_chambers@tned.uscourts.gov](mailto:collier_chambers@tned.uscourts.gov).

**Final Pretrial Conference:** A final pretrial conference will be held in this case on **September 27, 2007** at 4:00 p.m. before the United States District Judge, Third Floor District Courtroom, U.S. Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee. The parties shall prepare and submit a final pretrial order to the Court on or before the date of the final pretrial conference.

**Trial:** The trial of this case will be held before the United States District Judge and a jury beginning on **October 9, 2007**. The trial is expected to last 3 days. Counsel shall be present at 9:00 a.m. to take up any preliminary matters which may required the Court's attention. The parties shall be prepared to commence trial at 9:00 a.m. on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or any time during the week of the scheduled trial date. SHOULD THE SCHEDULED TRIAL DATE CHANGE FOR ANY REASON, THE OTHER DATES CONTAINED IN THIS ORDER SHALL REMAIN AS SCHEDULED. SHOULD THE PARTIES DESIRE A CHANGE IN ANY OF THE OTHER DATES, THEY SHOULD NOTIFY THE COURT AND SEEK AN ORDER CHANGING THOSE DATES.

/s/

**CURTIS L. COLLIER**

**CHIEF UNITED STATES DISTRICT JUDGE**